



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Affymetrix, Inc. (Michael Mittmann, et al.))
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Application No.: 09/396,196)
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Filed: September 15, 1999)Art Unit 1631
)
For: METHODS OF GENETIC ANALYSIS)
)
Examiner: Shubo Zhou, Ph. D.)
)
Attorney Docket: 04537.002 / 3101.1)

INTERVIEW SUMMARY

United States Patent and Trademark Office
Commissioner for Patents
Mail Stop ISSUE FEE
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

This Interview Summary is hereby submitted in connection with the personal interview held on August 28, 2003 in regard to the instant application. In attendance were Applicants' representative Sandra Wells and Examiner S. Zhou.

The utility rejection of claim 77 of the instant application was discussed. Applicants argued that the claim is supported by both a specific asserted utility and a well established utility and that use of the invention by microarray researchers demonstrates that one skilled in the art would clearly know how to use the claimed invention. Applicants argued that the claimed array was useful for obtaining an expression profile for a selected set of approximately 6500 murine genes. Applicants pointed out numerous publications (19) where researchers used the claimed array to obtain gene expression profiles from which informative conclusions could be drawn. The Examiner stated that he felt the array had no substantial utility and that further research would be needed to make the expression profile useful.

The Examiner indicated that he had not received the response to the final rejection mailed by the applicant on July 16, 2003, so he had not had the opportunity to consider Applicants' arguments supporting utility of the claimed invention.

It is believed that no fee is required for submission of this Interview Summary. If, however, a fee is required, the Commissioner is authorized to deduct such fee from Deposit Account No. 50-0581.

Dated this 4th day of November 2003.

Respectfully submitted,



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